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LIGEANCIA
LUGENS,
OR
LOYALTIE
LAMENTING

The many great Miſchiefs and Inconveniencies which will fatally and inevitably follow the taking away of the *Royal Pourveyances*, and Tenures *in Capite* and by *Knight-Service*, which being ancient and long before the CONQUEST, were not then, or are now any Slavery, Publick or General Grievance:

With ſome Expedients humbly offered for the prevention thereof.

By *Fabian Philipps*.

LONDON,

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Ligeancia Lugens,

OR

Loyaltie Lamenting:

The many great miſchiefs and Inconveniences which will fatally and inevitably follow the taking away of Tenures *in Capite* and by *Knight-Service*, which being Antient and long before the Conqueſt, were not then or are now any Slavery Publique or General Grievance.

THe King will upon occaſion of Warr want the obligations and ſervice of his Nobility and Gentry which hold *in Capite.* I.

Their Homage, which is the Seminary and Root of the Oath of Allegiance. II.

The Education of the Heirs of perſons diſaffected which hold *in Capite,* when they ſhall be in ward or minority. III.

IV. His Tenants will be the more enabled to alienate their Lands to his Enemies, or ſuch as are diſaffected, which common perſons in their Leaſes one to another do uſually prevent and prohibit.

V. Proviſion for maintenance, education and portions for younger Children, care of payment of Debts, preſervation of the Wards eſtate, Woods, and Evidences, will be neglected.

VI. Finding of Offices after the death of the Anceſtors, extents of Manors and Lands, a light to Titles and Diſcents of Lands, and recovery and making out of Deeds and Evidences laid aſide.

VII. Genealogies and Pedigrees darkened, and Deſcents not at all to be proved.

VIII. Contention concerning the rights of Guardianſhip encreaſed and multiplyed.

IX. The Mothers of Fatherleſs Children in their minority made the Guardians, & permitted to ſacrifice the children of the firſt husband to the ſpoil and intereſt of a Father in Law and his ſecond Children.

X. Or make them to be a prey to the kindred of the Mothers ſide, who will neither be ſo kinde or carefull as thoſe of the Fathers.

XI. Or to Truſtees, Executors, or Adminiſtrators, who are too many of them dayly experimented to be falſe to their Truſts, and may be as bad in their *Guardianſhips*.

XII. There will not be ſo good a means as formerly for the preſervation of the Wards Eſtate from falſe or forged Wills, fraudulent Conveyances, and other Incumbrances.

XIII. Nor for preventing of the Heires of Tenants *in Capite* to be diſinherited by Heirs by ſecond Venters

Venters, forged Conveyances or Wills, frowardneſs of an aged Father or cunning of a Stepmother.

In *Socage* and that ignoble or Plow-Tenure there will not be that ready defence for the Kingdom as *in Capite* and by Knight-Service. XIV

All the Antient Baronies which are annexed to antient *Earldomes* and *Baronies*, and the newly created Baronies being by Law and the ſignification of the words, a *Complexum* of honorary poſſeſſions belonging to Earls and Barons, aſwell as of the honour and title reſiding in their perſons, cannot now be properly called *Baronies*, and he that was a *Baron* before will in a ſtrict interpretation of the Feudal Laws, from whence they had their beginning, be no more nor no better then a *Soke-man*. XV

Alter and diſparage the fundamental and ancient conſtitution of Peerage, by making them to hold in *Socage*, which no *Baronies* in the Chriſtian World ever did, or can be found to do. XVI.

The antient Earls and Barons who hold as Tenants *in Capite* and *per Baroniam*, as the Earl of *Arundell*, who holdeth by the Service of Eighty four Knights Fees, and the Earl of *Oxford* by thirty, & many others may be greatly prejudiced. XVII.

The Nobility and Gentry of *England* will by the taking away of their *meſne* Tenures by Knight-Service be diſabled to ſerve their Prince as formerly, or bring any men into the Field. XVIII.

The Subjection and Rights of the Biſhop of the Iſle of *Man*, who holdeth immediately of the Earl of *Derby*, will be taken away. XIX.

The profits of the Kings *Annum*, *Diem* & *Vaſtum* XX.

Vastum will be loſt or greatly diſturbed, and his and the Nobilities and Gentries Eſcheates, which as to a third part of that which is holden *in Capite* or Knight Service could not before have been conveyed away, will be in no better condition.

XXI. Our Original *Magna Charta* (which is holden *in Capite*) and all the Confirmations of the Engliſh Liberties, Franchiſes of the City of *London*, and many other Cities and Boroughs which ~~before 9 H. 3.~~ did uſe to ſend Burgeſſes to Parliament will be enervated.

XXII. Deſtroy or weaken the antient Charters of the City of *London*, for what (except their Court of Wards or Orphans) concerns their Cuſtoms and Huſting Courts.

XXIII. Put into freſh diſputes the queſtion of Precedency betwixt *England* and *Spain*, which belongeth to *England*, in regard it holdeth of none but God, and hath *Scotland*, *Ireland*, and the Iſle of *Man* holding in *Capite* of it.

XXIV. Not well agree with the honour of *England* and the Monarchy and Superiority thereof to have the Iſles of *Garneſey* and *Jerſey*, which are a part of *Normandie*, to hold of the King by *Feif roturier*, or the Principality of *Wales* and the Iſles of *Wight* and *Man* to hold in Socage.

XXV. Damnifie all the Nobility and Gentry in their meſne Tenures, in which they have a propriety which our *Magna Charta*, and a greater then that, twice written by the finger of God himſelf, do without a crime forfeiting it, or a juſt conſideration or recompence for it, (which a relaxation of their own Tenures and Services will not amount unto) forbid to be taken away.

Preju-

Prejudice the Families of *Cornwall*, *Hilton* and *Venables*, who are called Barons, as holding *per Baroniam*, though not sitting in Parliament. XXVI.

Bring a dis-repute upon the Esquires and Gentry of *England*, whose original was from Tenures by Knight-Service. XXVII.

Take away a great part of the root and foundation of the *Equestris Ordo* which was derived out of Tenures *in Capite*. XXVIII.

Blast and enervate the degree of Baronets.

Take away the cause of the eminent degree of Banneretts. XXIX.

Make our heretofore famous Nation in Feats of Arms and Chivalrie to be but as an *Agreste genus hominum*, or a race of Rusticks like the *Arcadians*. XXX. XXXI.

Take away or weaken all the Mannors and Court Barons in *England*, which were derived or had their original from Tenures *in Capite*. XXXII.

Turn Tenures *in Capite*, which from the Duty of Homage and acknowledgment of Soveraignty were so called, into a Tenure, which by only acknowledging a Fealty for particular Lands which they hold is but *à Latere*, and no more then what one man holding by a Lease for years is by Law bound to do to another. XXXIII.

Release the aid of the Maritime Counties and Ports in case of Warr and Invasion. XXXIV.

Extinguish the Duties which every Hundred upon the Sea Coasts do owe in that which which was called the Petty Watches. XXXV.

Discharge the *Mises* or Payments which in *Wales* and *Cheshire* are due to the Kings of *England* at their Coronations. XXXVI.

XXXVII. Indamage the King in his other Regalities, as in the *Cinque Ports*, finding fifty ships upon occasion of Warr, and many reservations of Honor and profit upon Tenures *in Capite*, Knight Service, and *Socage in Capite*, which if revived and well looked after would almost raise an Army and furnish a great part of the Provisions thereof.

XXXVIII. The King upon occasion of Warr shall never be able to erect his *Standard*, but will be left to hire and provide an Army out of the Rascallity, faithless, unobliged, rude, deboisht, necessitous, and common sort of people.

XXXIX. If a Warr should break forth before a Rent-day or Excise money can be gathered, will never want misfortunes and distresses, and the King thereby failing of an Assistance at Land may loose also the help of his Navy at Sea.

XL. May have his Money and his Rents seised, as his late Majesties *Magazines* and Rents were in the beginning of the late Warrs.

XLI. Can have no manner of assurance in a Sedition or Commotion of the people, that men will for a small pay adventure their lives and limbs for many times no better a reward then the lamentable comforts of an Hospital, and the small charities and allowance usually bestowed upon maimed Souldiers.

XLII. Destroy the hopes of the Bishops ever sitting again in the House of Peers as a third Estate, or if restored to those their just rights, so weaken the ground and foundation of that most antient Constitution, as they may again be in danger to be divested of them, which the inconveniences of prescriptions interrupted, and Customs altered, may perswade us to take heed of.

Disable

Disable the King and his Successors from recovering Forreign Rights, succouring Allyes, and making an Offensive or diversive Warr. XLIII.

Shake or dislocate, if not take away that great Fundamental Law and Ancient Constitution of the *Baronage* and *Peerage* of *England*, and their Rights of Sitting in the House of Peers in Parliament, who sit there as Tenants in *Capite* and *per Baroniam*, and are summoned thither *in fide & homagio*, in the faith and homage by which they are obliged, which *Proviso's* not always arriving to their ends or intentions, or a *Saving* of the Rights of *Peerage*, of Sitting in the House of Peers in Parliament, will not be able to insure or give them a certainty to be left in as good a condition as they were before. XLIV.

Disfranchise the Counties Palatine of *Lancaster*, *Chester*, *Durham*, and the Isle of *Ely*, which relate unto Palaces of Kings, (not Plows,) and are no where in the Christian world to be found holden by any other Tenure then *in Capite*. XLV.

Make our Nobility and Gentry to hold their lands by no better Tenures then the *Roturiers* or *Paysants* of *France* do theirs; and in *Socage*, which, as Sir *Henry Spelman* saith, *Ignobilibus & rusticis competit nullo feudali privilegio ornatum & feudi nomen sub recenti seculo perperam & abusu rerum auspicatum*; belongs only to rusticks and ignoble men, and being not intituled to any feudal priviledge hath of late times improperly and by abuse gained the name of Fee. XLVI. Spelmans Glossar. 261.

Loosen the foundation of such ancient Earldoms and Baronies as have been said to consist of a certain number of Knights Fees holden of them. XLVII.

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XLVIII. Hazard the *avitas conſuetudines*, ancient Rights and Cuſtoms belonging to Tenants *in Capite* and by Knight-Service.

XLIX. Take away, or leſſen, as to the future, the fame and honour of the Nobility and Gentry of the *Engliſh* Nation, which in feats of *Chivalrie* (not *Socagerie*) extended as far as the *Roman Eagles* ever flew, and had no other bounds then the utmoſt parts of the earth.

L. Render them in Tenure, and that which at firſt made them by their virtue and imployment, Superiors in degree, aſwell as in their Lands and Revenues to the common ſort of people, to be in that particular but as their equals.

LI. Will not be conſiſtent with the honour of *England*, to have Tenures in *Capite* and by Knight-Service retained in *Ireland*, and *Scotland*, and not in *England*; and to leſſen the honour and ſtrength of the *Engliſh* Nobility and Gentry in *England*, by reducing their meſne Tenures into free and common *Socage*, whilſt the better and more Noble Tenures in *Capite* and by Knight-Service ſhall be enjoyed in thoſe inferior and dependent Kingdoms.

LII. Or if taken away in *Ireland*, and reduced into free and common *Socage*, will in all probability meet with as many inconveniences as the like may do in *England*, and loſe the Kings of *England* that Service which by reaſon of the Tenures in *Capite* was always in a readineſs, and made uſe of by their Progenitors upon all occaſions of War and neceſſity, as well in *England* as *Ireland*.

LIII. And if the like ſhall be done in *Scotland*, where the people, too much accuſtomed to infidelity and a

Rhodo-

Rhodomontading, where they are not resisted, are best if not only to be Governed by their dependencies upon their Superiors and *Benefactors*, and holding their Lands by Military and Knight-Service, (as that Kingdome it self doth in *Capite* of *England*, as it was stoutly asserted by our King *EDWARD* the First and His *Baronage* of *England*;) there will happen such a dissolution or distemper of that body politique as will exceed all or any imagination before hand, and the inferior sort of people will by such an alteration of their Tenures be like hunger-bitten *Bears*, let loose to as bad if not a worse kind of *levelling* then our *Phanaticks* would not long ago have cut out for the three Kingdoms of *England*, *Scotland*, and *Ireland*, now happily conjoyned under their rightful King and Soveraign.

LIV. Will greatly derogate from the honour of the *English* Nation, and make them who excelled in their Laws and Constitutions all or most of the Nations and Kingdoms of the Christian world, and had more of right reason in them; to be as a reproach to other Nations, and seperated from the use of those ancient and Regal Rights, Customs, Powers and Regalities which all Monarchies in *Christendom* do use, and will be as inconsistent with the honour of *England* as it would be to have their Kings, in a complaisance of a troublesome and unquiet part of the people, not to be Crowned nor Annointed, not to use a Scepter, or have a sword born before Them, not to make Knights, or not to do it in the ancient and usual manner, which the Kings of other Nations and Kingdoms have ever done and enjoyed; or to

have the Earls of *England* (as if they were only *Comites Parochiales*, Governors of Villages, mentioned by *Goldastus*, or Dijck Graben; or men of small honour in *Holland*, appointed to look to their Sea-banks) not to wear their *Circulos Aureos*, Coronets of Gold.

V. Will not accord well with the Rules of Justice to take away Knights Fees or Tenures by Knight-Service from the mesne Lords without a fitting Recompence.

LVI. But break the Publique Faith and Contracts of those that hold of the King or them.

LVII. The recompence of 150000 *per Annum*, will not be adequate to the loss of the Tenures *in Capite* and by Knight-Service, which nothing but the Kingdome of *England* it self can balance; and which the King of *France*, or the King of *Spain*, in their several Dominions, would not for an yearly Revenue of many hundred thousand pounds part with, but would think it no bad bargain to be re-purchased after the same or a greater rate.

LVIII. It will be as unsafe as unusual, to turn into a Rent that which was intended for the defence of the Kingdome.

LIX. And to charge all mens Lands with recompence to be made for it, will be against Justice, Equity, and Reason, and make nineteen parts in twenty of the people, to bear the burden of the twentieth.

LX. Or if by Excise upon Ale & Beer, will do the like, & lay the burden of the rich upon the poor, & extend it to Children, Servants, Day-labourers, Coblers, Apple-women, and all manner of the lowest ranks of people, which are as unlikely to be Tenants in

Capite

Capite as all the Colledges in the Universities, and Hospitals of *England* are, whose expences will be also enlarged by it.

Will be a seminary and complication of Grievances. LXI.

May be afterward legally taken away by Petitions to Parliaments, or illegally (which God forbid,)by an Insurrection or Mutiny of the common people as in *Naples*, *France*, &c.

Will not be an honourable Revenue, nor ever be well setled without the help of Garrisons, Troops of Horse, and Companies of Foot. LXII.

The people will be double charged by the Brewers and Ale-men, and inforced to pay 250000 *l. per Annum*, for 150000 *l. per Annum*. LXIII.

And whether Excise, or not Excise, the King, when the Tenures shall be taken away, and Ship-money shall be denied him, because as Mr. *St John* argued in the case of Ship money, he had the Tenures *in Capite* allowed for the defence of the Kingdome. LXIV.

Or the miseries of an actuall War shall overwhelm or oppress Him, shall be told as His Royal Father was by that part of the Parliament which sate at *VVestminster* in 1642. That He ought not to put in execution His Commissions of *Array*, because His Tenures *in Capite* were for the defence of the Kingdome.

And that by several Statutes and Acts of Parliament in the Raign of King *E.3.* it shall be said that he is restrained not to Impress *Hoblers*, which were as our Dragoons, or Archers, or Foot-men, who are thereby not to go out of their Counties but in case

case of necessity and coming in of Forreign enemies.

Or shall have need to succour His Allies, make a diversive War, or embroyl an Enemy, shall be answered, That they are quit of all Services but the holding their Lands of Him, by doing of fealty, which they will be apt to interpret according to their Interest, the humor of their faction or party, or as their designs or better hopes in a change shall direct them.

Must be enforced for the safety of His people, if the Tenures shall be taken away, to raise and maintain a standing Army.

LXV. And a standing Army, and standing Assessments to maintain it, will be certainly more prejudicial and chargeable to all the people in general, then that which without any ground or reason, the Tenures in *Capite* have lately been supposed to be to any in particular.

LXVI. It will derogate from the honour of the King, who is *Pater Patriæ*, not to be trusted with the protection of Orphans, so much as the *Dutch*, who have a Court of Orphans.

Or as the City of *London*, who by ancient Custom have an absolute Court of Wards, called a Court of Orphans, which may by overthrowing the Kings Court of Wards come under the like fortune.

Be a means to defraud Creditors and Purchasers,

LXV I. who cannot for want of Offices or Inquisitions found after the death of Tenants in *Capite* and by Knight-Service, so well as formerly know how the Debtors Lands are setled, or what is in fee simple to charge the Heir.

LXVIII. Be against the peoples Oaths of Supremacy to desire

desire the diminishing or taking away the Kings Rights or Jurisdiction.

LXIX. Take away His Power and Means of protecting and defending them, and to perform his Coronation Oath, and when the assistance and help of Tenures *in Capite* have like Sea walls and banks, proved not strong enough to withstand and keep out the Floods of *Sedition*, it cannot now surely be for the good and safety of the people either to weaken as much as may be, the strength which was before in them, or to have none at all.

LXX. Draw a Curse upon the Posterities of those that hold under those Tenures and shall endeavor, contrary to the faith and promise of their Ancestors, to subvert them.

LXXI. Make the common people insolent, and teach them hereafter to find fault with every thing that fits not their Interest or humor, and by such a largeness of liberty, having before surfeited upon lesser, to be like the waves of the Sea and its deep, tossed and beating one against another by the winds of those inticements or factions which for their own wicked ends shall blow upon them.

LXXII. And by such an easiness of granting away so great a part of the just and legal power of the King, Nobility, and better part of the people, over the most rude and not easie, without it, to be either governed or perswaded, invite them to take up their not long ago designs and projects of taking away Copy-holds, which they lately, as foolishly as falsly, called *Norman* slaveries, and of enforcing their Lords to take two years purchase for them; and that Landlords might be stinted and ordered to take what the factiously

ously well-affected Tenants should call reasonable in the leasing and renting of their Lands.

LXXIII. Carry along with it and abolish the Royal Pourveyances, which being in use amongst the people of *Israel*, were never in that glorious and ever commended Raign of King *Solomon*, nor in that long after pious order and Government of the good *Nehemiah*, found to be a grievance, nor taken to be so amongst the *Grecks*, *Poles*, *Romans*, ancient *Brittains*, *Franks*, and *Germans*, those great Assertors of Liberties, or the most of the Nations of *Europe*, (not cast unhappily into Common-wealths, where they only dream of freedom, but cannot find it;) but were used in the *West-Indies* long before the *Spanish* curtesies and care of their conversion, had ingrossed their gold, destroyed the most of their Natives, and made the relidue their slaves; And in *China*, and most parts of the habitable World.

1 *Reg.* 10, 24, 25.
2 *Reg* 4. 21, 22, 23.
Nehem. 5. 18.
Sigonius de Repub. Athen. lib. 4. 540. & 541.
Martin: Cromerus, lib. 2. de Regno Poloniæ.
Bignonius in notis ad *lib.* 1. *Marculfi* 465.
Rosinus de Antiquitat *Rom.* lib. 7. 14. 24., lib. 10. cap. 22.
LL *Wisigoth.* lib. 9. tit. 6.
LL *Ripuar.* tit. 65.
Cujacius tit. 48. ad 10. cod.
Justinian 1429
Tacitus in vita *Agricolæ*.
Ridley's View of the Civil and Ecclesiastical Law.
9 H. 3. cap. 21.

And being a *Jus Gentium*, and a part of right Reason so universally allowed and practised, were as Oblations or recompences for tolls or pre-emption, or for some other considerations, chearfully paid to our Kings of *England*, & so butted and bounded with good Laws, and so easie, as the Tenants did neither care to provide against it in their Leases, or reckon to their Landlords those little and seldome payments and charges which were occasioned by them.

And by throwing the *Purveyance* into the same Bill or intended Act of Parliament, for taking away the Tenures *in Capite* and by Knight-Service, hath since caused the King to pay three times or more then formerly he did, as 12^{d} *per* pound for *Butter*, where it was before but three pence; twelve shillings a hundred for *Eggs*, where it was before but three shillings;

ſhillings; and eighteen pence a mile for a Cart to carry his goods or proviſion, when it was before but *two pence* a mile in Summer, and *ſix pence* in winter; *twelve pounds* for a Beef or an Oxe, which before was willingly and without any oppreſſion of the Counties, ſerved in at fifty ſhillings.

Render the One hundred and fifty thouſand pounds *per Annum* of Exciſe-money for the intended recompence for the profit and honour of his Tenures, Court of *Wards*, and *Pourveyance*, to be no more (if it could clearly come up to that ſumm) then *Thirty ſeven thouſand* and *five hundred pounds*, but if with allowances and charges in the collecting, and arrears and bad payments, or otherwiſe, it ſhould amount (as it is likely) to no more then *One hundred thouſand pounds per Annum*, the clear of that to the King, three parts in four of his prizes enhaunced being deducted, is like to be but *Twenty and five thouſand pounds* per Annum.

Which when the Exciſe (wherein the King himſelf ſhall now pay a Taxe or Exciſe for his Beer and Ale) and other Aſſeſsments ſhall every day more and more make dear the Markets, and that the people ſhall, to make themſelves more then ſavers, ſtretch the price of their Commodities, and make an addition to the former years rates and demands, for all ſorts of victuals and proviſion of livelihood, or that the King or His Pourveyors ſhall over and above that be, for want of ready money, enforced to pay a treble or more intereſt for buying upon Time or days of payment; will alſo within the compaſs of ſeven years vaniſh into a *Cypher*.

And if the Exciſe, for the burden and grievance

thereof, ſhould alſo be taken away, the King having no proviſion made in the Act for taking away his Tenures in *Capite* and by Knight-Service and of his Pourveyance, (for the intended recompence of that part of the Exciſe therein mentioned) to reſort back again in ſuch a caſe to the former profit of his Tenures and eaſe of Pourveyance.

Will then not only have given away thoſe two great Flowers of His *Crown* for nothing, but be as much a looſer in what he ſhall over and above pay for his houſhold proviſion, Cart taking, and other neceſſaries, as hee ſhall pay a greater rate then his former pourveyances came unto, which in 200000 l. *per ann.* which may well be conjectured to be the leaſt which will be expended in that kinde) will, conſidering three parts in four of the prizes enhanced, amount to no leſs a detriment then *One hundred ſeventy five thouſand* pounds *per Annum*, beſides what muſt be added to that loſs for what ſhall be paid more then formerly for Timber and materials for the Navy, and repair of the Kings Houſes, Caſtles and Forts, and by the peoples every year more and more raiſing their prizes upon him.

And then the bargain or exchange betwixt the King and the people for the Tenures *in Capite* and by Knight-Service, and his Pourveyances, beſides the giving away ſo great a part of his Prerogative and *Soveraignty* will arrive to no more then this. The King ſhall remit the yearly revenue of *Eighty eight thouſand & ſeventy pounds per Annum*, (defalcations for exhibitions and allowances

lowances for Fees, Dyet, and other neceſſaries and charges firſt deducted) which was made by the Court of Wards in the year 1640, beſides *Thirteen thouſand two hundred eighty eight pounds* profit for thoſe kinde of Tenures which in that year was collected and brought into the *Exchequer*, which will make a Total of *One hundred one thouſand three hundred fifty eight* pounds *per Annum*.

Or if but *Eighty one thouſand two hundred eighty eight pounds*, all charges cleared and deducted, as it came unto in *Anno* 1637. which was 13° *Car. primi*, both which was eaſily paid by the Nobility, Gentry, and richeſt and moſt able part of the people, for or in reſpect of their Lands holden *in Capite*, which were never purchaſed but frankly given for their Service, Homage, and incidents thereunto apperteining.

And releaſe the eaſe and benefit of his *Pourveyances*, which did not in all the Fifty two Counties of *England* and *Wales*, by the eſtimate of what was allowed towards it in *Kent*, being thereby charged only with *Twelve hundred* pounds *per Annum*, or thereabouts, put the people of *England* to above *Forty thouſand* pounds *per Annum* charges; which totalled and ſummed up together with the profits of the Tenures *in Capite* in *An.* 1640. being 16° *Car.* will make *One hundred forty one thouſand three hundred pounds*, or *One hundred and twenty thouſand two hundred eighty eight pounds*, all neceſſary charges ſatisfied as it was in 13° *Car. primi*.

Shall give away that *One hundred forty one thouſand three hundred pounds*, or *One hundred and twenty thouſand two hundred and eighty* pounds *per Annum*, and

looſe *One hundred and fifty thouſand* pounds *per Annum* in the buying of his Houſhold proviſions (beſides what more ſhall be put upon him by a further enhaunce of prizes) for to gaine *One hundred thouſand pounds* for that moyety of the Exciſe of Ale and Beer, to be paid out of the ſighes, dayly complaints and lamentations of the pooreſt ſort of the ſubjects, and the diſcontents and mournings of nineteen parts in twenty of all the people, who by the payment of that Exciſe will be made to bear the burdens of others, to acquit leſs then a twentieth part of them, of thoſe no *ruining* payments not often happening to be charged upon them by reaſon of thoſe kinde of Tenures; or for nothing, if that Exciſe ſhould be taken away.

LXXIV. Prejudice the King in his Honor (which *Saul*, when he entreated *Samuel* not to diſhonor him before the people, underſtood to be of ſome concernment) and his Eſtate, in not affording his Pourveyors a *pre-emption* in the buying proviſion for his Royal Family, Tables and Attendants, which all the Acts of Parliament made concerning the Regulating of Pourveyances never denyed. The Princes of *Germany* are allowed in their ſmaller Dominions, the Caterers of every Nobleman frequenting the Markets, the ſervants of every Lord of a Mannor in *England* do enjoy, and the common civilities of mankinde, and but ordinary reſpect of inferiors to their ſuperiors do eaſily perſwade.

LXXV. Will not agree or keep company with that honor and reverence which by the Laws of God and Nature, Nations, and right reaſon, will be due, and ought to be paid to a King and Father of his Country,

try, nor with the gratitude of those who often enough come with their *Buckets* to the Well or *Fountains* of his mercy, or are not seldom craving and obtaining favors of him, to refuse him those small Returns or Acknowledgments for his bounties, nor prudence to shew him the way to be *selfish* or sparing in his kindeness to them.

Shame ~~our~~ the promises and protestations made unto him at his retorne from that misery wherein the *sins* and madness of a *factious* part of his subjects had cast him, of sacrificing their lives, fortunes and estates, and all that they had for him, that had rescued them from an utter destruction; and yet when hee had told them of his wants, and how much it troubled him to see his people to come as they did flocking to see him at *Whitehall*, that hee had not wherewithall to entertain them or make them eat, make such hast to take away his antient Rights of Pourveyance, or dayly and necessary support of Him, his Queen, Children and Servants, and for entertainment of Embassadors of Forreign Princes which for three days untill they have their Audience, ~~which~~ is so sumptuous and extraordinary as it costs him at the least three or four hundred pounds a day. LXXVI.

When as the ill-nurtured and unmannerly *Dutch* (gnawing a pickled Herring and an Onion in one hand and a piece of *ruggen* bread in the other) can in their slovenly and small moralities to their *Prince of Orange* allow him and his Court (which after the griping & high rate of their *Excise* goes a good part of the way to as much as what the King saved by his Pourveyances) a freedom from payment of Excise upon all Provisions, and the like to the Queen

of

of *Bohemia*, and Embaſſadors of Forreign Princes all the year, and to their Army & every common Soldier when they are in the field or leaguer or upon a march, to the Ships of Merchants aſwell as thoſe of Warr in their Victualling, and to the *Engliſh* Company of Merchants of the *Staple* there reſiding, and deny not the Univerſitie of *Leyden* a freedom of having their proviſion of Wine and Beer laid in *Exciſe*-free.

When the Lord Mayor of *London* hath an allowance or *tolls* out of *Oats* and *Sea-Coals* which are brought to be ſold to *London* of *Stallage* and *Pickage* in the Markets and Faires, out of Cattel brought to be ſold in *Smith-field*, and many other things towards the charge of his extraordinary Houſe-keeping in the Yeare or Time of his *Majorality*, which the ſimpleſt and pooreſt Citizen never grumbles at, but acknowledgeth it to be for the honor of their *City*, hath every Company or Corporation of Trades bringing him *forty ſhillings* in retribution of a Dinner and a cheap *Silver Spoon*, every Citizen contributing to the charge of *Triumphal Arches* in entertainment of their Prince upon extraordinary occaſions, every Company bearing the charge of the Livery men and chief of their Company in their *Pageants* on the *Lord Mayors days*, and every little Borough-Town in the Country can be well content to help one another in the charges which are put upon it when the King ſhall in his Progreſs receive any entertainment from them.

LXXVII. Such a great proviſion as is neceſſarily to be made for the Kings Houſhold and his multitude of Ser-

vants

vants and Attendants, will, when much of his Provision shall not be sent (as formerly to his Court wch did prevent it) sweep and take away the best sorts of Provision from the Markets, and as experience hath already told us, make scarce and dear all that can be brought to the Market near the Kings residence or his occasions.

Teach the people, whose measure and rule of conscience is to ask high rates, and take as much as by any pretence, tales, falshoods or devices they can get, and more of the King, Nobility and Gentry then common people, to heighten their prices, and get thereby unjustly of the King more then all their *Subsidies* or *Assessments* shall come to, and render him in no better a case or condition (as to prices or good husbandry) in buying his necessary provision (as they say) by the peny, then a Landlord that lets a Farm of 50^{l}. *per Ann.* to his Tenant, and takes his rent in *Wheat, Malt, Oats, Wood, Beef, Mutton, Veal* and *Poultry*, at such rates as he shall exact of him. LXXVIII.

Every Clown or Carter, every mans servant or Kitching-maid shall in matters of Market and Provision be at liberty to buy a Salmon, Phesants, Partridges, or Bustards, and the like, (fitter for the King then their Masters) out of his Pourveyors hands, and do by him as a Trim over-monied Citizens wife did by a Gorget of 60^{l}. price, (now too low a price for those kinde of Gentlewomen) which she bought in *Anno* 1641. in the beginning of our pretended religious but irreligious Warr out of the Queens hand, and being afterwards sent to with a proffer of some advantage, could finde neither manners nor duty to perswade her to part with it.

And

LXXIX. And there will be then but few *Araunahs*, who
2 Reg. 24. v. 20, & 22. when *David* and his Servants came to buy his Threshing-floor for to build an Altar, bowed himself before the King on his face upon the ground, and answered, *Let my Lord the King take and offer up what seemeth good unto him; Beheld, here be Oxen for burnt-sacrifice.*

But every *Nabal* will be ready to answer our *David* and his *Pourveyors* or Servants, Who is *David*,
1 Sam. 25. 10. and who is the son of *Jesse?* or as one of that kindred did lately to the Kings *Harbinger* at *Windsor* at the solemnities of the Feast of the *Garter*, when hee could say the King had quitted his Tenures & Pourveyance, and was now no more to him then another man, he was at liberty to let his Lodgings to any one would give him *sixpence* more; though the poor *Persian* (so much celebrated in History) who rather then he would offer nothing to his Prince in his Progress by his *Cottage*, could run to the next water and bring as much of it as he could carry in hish and for a present, would, if he were now alive, in a horror and detestation of so great a bestiality and such a *Monstrum horrendum*, take his heels and run quite away from such an ingratitude or inhumanity.

LXXX. Disable the Brewers, who complaining heavily of the Excise-men or *Tormenters* (as they call them) will by the mysteries of their Trade lay the burden as much as they can upon their customers, & will not be able to give as much as formerly to the Maltsters, nor the Maltsters to those that sell the Barley, but all of them shifting of the burden one upon another will be a cause of the enhancing of the rates of Beer and Ale, vitiating or making of it worse, and by false Gaugings,

Gaugings, Expilations and Tricks of *Exciſe men* leſſer meaſures uſed by the Retailers, and every ones labouring to eaſe themſelves as much as they can, and uſing too many devices to make themſelves ſavers, or to increaſe their gain by the pretences of it, will not fail to bring a huge trouble, much damage, and many inconveniencies upon the people, and the poorer part of them.

LXXXI. Will very much in the matter of Pourveyances (which *Oliver* and his *Conventions* were content not to moleſt) now thrown into that bargain, diminiſh the magnificence and grandeur of the Kings hoſpitality, which the ſurpluſage of his Tables, plenty in his Kitchings and Cellars, and every where elſe to be found in all the places and offices of his Court, did not only cauſe an admiration to ſtrangers, but yield a comfort and relief to many ſorts of neighbor-inhabitants, ſtreets and villages adjacent, and a great ſupport of the poor, who in the Raign of King *Henry* the Third, were (beſides the dayly crumms, fragments, and reliques of his houſhold proviſion) not infrequently fed and Treated by that King; who, as our publique Records can tell us, did ſeveral times ſend out Warrants and Writs to provide Victuals *ad alendos pauperes* in *Weſtminſter*-Hall, for as many poor as it could containe, being a better kinde of expence then thoſe vaine, unneceſſary and coſtly Treatments which our young *Gallants* and ſome Tradeſmen do now too often make their *Gentlewomen* and *Miſtreſſes* in *Hide Park* and *Spring Garden*, to ſhew them how little at preſent they value money and how much they may want it hereafter. Clauſ. 31 H. 3.

And at the ſame time can think every publique duty to be a grievance and every little too much which they contribute to their Prince.

LXXXII. Who (if Pourveyances ſhall be taken away) will not be able to hinder o keep off thoſe many inconveniencies which will obſtruct his Houſe keeping & Hoſpitality, nor thoſe many hardſhips, diſgraces and ruines which will fall upon many of his Servants and Attendants, who (like the Prieſts in the deſolation of the Temple) bewailing the former glory and preſent neceſſities of their Maſters Court and houſe, may weep between the Gate and the more retired places thereof, and wiſh that a Queen of *Sheba* (as ſhee that came once out of the South to ſee King *Solomon*) may never come to view their Princes Court, *the manner of his Servants* ſitting at their Tables and eating of their meat, *the attendance of his Miniſters and their apparrell.*

LXXXIII. Take away not only the honor but the publique benefits and feudall Rights of the Tenures *in Capite*, by Knight-Service and *per Baroniam*, which are juſtly and highly eſteemed in all Kingdoms and Principalities which are ſo happy as to live under Monarchy the beſt of Governments, and deprive our ſelves of thoſe nerves and ſinews which fix and conſolidate the fidelity, peace and welfare of *Monarchies*, and the beſt part alſo of thoſe feudal Laws, wherein are contained many of the Laws and Rights of Kingdoms, Marquiſates, Earldoms, Baronies, and their dependencies.

LXXXIV. Tenures *in libero & communi Soccagio per fidelitatem tantùm pro omnibus ſervitiis*, in free and common Socage by Fealty only for all ſervices ſo univerſally exten-

extended as to make all the *Engliſh* Tenures to be in that condition, will be dangerous rather then profitable to the King and people, whoſe good and ſafety conſiſts in a due obedience of the people to their Prince, and not in that which may invite and incourage Sedition and Rebellion,& is fitter to be truſted to a Kingdom of *Angells* (wch was once not without a *Lucifer* (a pretender to great Light)& his rebelling partie then to a people (many of whom being not fully cured of a diſobedience more then ordinarily acted to the ruine of their King and his three Kingdoms, are now in a full *career* of all manner of vice and wickedneſs, running over all the Laws of God and man, and wholly given up to their pride and Luxury, and an intereſt and care to maintain them.

They that could then mis-interpret Scripture, LXXXV.
abuſe the plain and genuine ſenſe and meaning of all our Laws, clearly expreſt and fully to be underſtood, and make an ill uſe of a not to be (as they thought) diſſolved *Parliament*, rebell and fight againſt their King, multiply Grievances under colour of remedying them, deſtroy him and endeavour to do the like to his Children and Succeſſors, and all the loyal Nobility and Gentry, which according to their Allegiance and Tenures of their Lands made haſt to his *Standard* and Defence, will now think they have gotten better *Fig-leaves*, either to cover any thing they ſhall attempt againſt their King and Soveraign, or for abiding with *Gilead* beyond *Jordan*, and not coming to help or aſſiſt him, in regard that for all manner of ſervices they are only to do him *Fealty*, which they may diſguiſe according to their ſeveral humors and intereſts.

Will unhinge the Government and take away the LXXXVI.

Tyes and Obligations which were betwixt the King and his Subjects, the Nobility and better part of the people, and the more common and inferior sort of them, untie their bonds of Obedience, and let them loose to a liberty of ruining and undoing themselvs by not obeying their Soveraign, which is not to be hazarded upon the hopes of Tenures *in Corde*, when the impression and remembrance of Benefits are as frail and little immortal as Gratitudes, or the love and kindness of many friends or children which hardly survives dayes or moneths or a few years, and at the most do not outlive the first Receivers, but do most commonly within a few dayes, if not hours after, wax faint and languish; and though they did at the first really mean and intend the thankfulness they promised, can as quickly as the *Scots* did by the late Kings extraordinary favours and concessions, even to the giving away almost all that hee had in *Scotland*, or as some of their Brethren in *England* did in their undertakings to make him a glorious King, forget what they promised or should do; and having got power into their hands, be most rigid and severe in the exercise and imployment of it and their liberties against those which granted them.

LXXXVII. Make the head of our *English* Body Politique not to be as a head in the body natural, strongly fixed and resting upon those many Bones, Joints, Arteries, Muscles and Veins which in that line of *Communication*, do serve and attend the motions and directions of the head and principall part for the well being of the whole body; but to be set in such an unfixed, unsafe, and unusuall order, as it shall neither be able to protect it self or those who depend upon

upon it, and have no other ligaments but *Fealtie*, and the too often broken oaths of *Allegiance* & *Supremacy*, which can never attain to those great Obligations of *Homage* and *Service* of Warr; which being annexed to the Land it self, had besides the Bond of Loyaltie another also of Gratitude attending upon it, and as a *threefold cord* not easily to be broken, must of necessity farr surmount that so small a one as *Fealtie*, which being little more then our modern ill used dayly *Complements*, will prove such a *small somcthing*, as when Interest, Profit, Humors or Factions shall either altogether or apart stand in the way of them or any of them, will be made to be little more then *nothing*.

LXXXVIII. Mutilate and lame our Ancient best regulated and unparalleled *Monarchy*, and make it to be as *paralitick* on the right side, and wanting the natural and right use of its right Arm and Legg; and applying no better a remedy then a plaister of *Excise*, drawn from the rebelling & necessitous example of a Neighbor Republique or *Democratie*, put the power and ability of serving the King in his Warrs, of helping him to preserve the *Salus Populi* or good of the people, and performing the Oaths and Duty of Allegiance, (a great part whereof was before in the Nobility and Gentry, who were the best educated, more knowing and virtuous part of the people, and better understanding the order and affairs of Government and the Loyaltie which at all times and upon all occasions did belong unto it) into the hands and humor of the ignorant, mis-understanding, rude and giddy *Plebeians* or Common people.

LXXXIX. Deprive the King and people of those Strengths, ready Ayds and Assistance of the Tenants *in Capite* and

and by Knight Service (who were as ſo many little and inoffenſive Garriſons & Forts in every County to defend it) to make head againſt the ſudden invaſion of an Enemy, put him to a ſtand, and prevent (which was evidenced by the late uſe and terrors of *Olivers* County troops) the over-running or gaining of whole Territories or taking of places of Strength, untill greater neighbor forces or an Army be imbodyed, or to be as ſo many *Brigades* or Auxiliaries well horſed and furniſhed (with their Tenants) to attend their King in a diverſive Warr, as they were in *Anno* 1640. in that unfortunately ſuſpended Expedition or Inrode into *Scotland* againſt thoſe Rebellious *COVENANTERS* againſt the Laws of God as well as thoſe of their Soveraign.

LXXXX. Decay and impoveriſh the Kings Revenue, and bring him into a want of money, which made his late Majeſty the Martyr's great and extraordinary Virtues, *Piety* and *Prudence*, too weak to defend himſelf or reſiſt the torrent of Sedition and Rebellion, which like an inundation of many waters ruſhed in upon him.

LXXXXI. Exchange the antient and noble Guards of *England* and its never failing defence, as the earthen Walls and Bulwarks thereof, by an Obligation of Tenure and Homage annexed to the Lands of thoſe which hold *in Capite* and by Knight-Service, for a ſtanding Guard or Army of Hirelings, or men whoſe Fortunes are worn on their Backs as their Clothes, or by their ſides as their Swords, which upon any neceſſity or miſchance happening to the King, may, for want of pay (as the *German Ruyters* or *Lancekneghts*) or by inſolence or preſumption of their numbers or ſtrength (as the *Prætorian* Bands amongſt

mongst the later *Romans*) or the *Turkish* mutinous *Janisaries*; or by being inconstant and faithless, as the *Cosacks* and *Tartars* usually are to the *Poles*; ruine and forsake him, or by an humor of making *Remonstrances* and intermedling in State matters, Innovating of Laws, changes of Government, and sacrificing to the Ignorance of their own *mechanick* Brains and new found destructive *Politicks*, destroy the people & their liberties, as our late Colonels and Captains of the new edition, and the *Agitators* and *Self-canonized Saints* did attempt to do when they would make themselves to be so much concerned in the good of the people as to set up a Law of the *Sword* and a *Committee* of *Safety* to make no man to have any safety or property but themselves, and called every thing *Providence* which proceeded from their own unparallel'd Villainies.

LXXXII. Renverse and overturn many of the fundamental Laws and Constitutions of the Kingdom, and throw it with the heels upwards into very many evils and confusions, which our selves as well as posterity may repent but not know how to remedie.

LXXXIII. Perpetuate a Moyety of the Excise upon Ale, Beer, Perry and Sider, and make the groans and burden thereof to be as an *Inheritance* for the people, & by the example and custom thereof be by degrees a means to introduce the whole Excise, which in the *Oliverian* usurpation was laid upon them; and though it may not happen in the life time of a gracious Prince, Father of his Country, and Preserver of his peoples Rights and Liberties, may afterwards, like *Nessus*'s poisoned shirt upon the back of our *Hercules* and former Government, canker, eat up and destroy all their labours and industry.

LXXXXIV. Will cut off our *Sampſons* Locks, and bereave him of his ſtrength, break in pieces the *Shield* and *Spear* of his mighty men of Warr, and when all things *Antimonarchical* ſhould be rooted out, will be a fruitfull plantation and product of the greateſt of *Antimonarchicks*, and be that which our *Engliſh* Monarchie never yet ſaw or allowed; and if Gods mercy prevent not, may be as good a gueſt as a *Canker* or *Snake* in the Boſom of it.

All which and more evils and inconveniences then can at preſent be either fore-ſeen or enumerated, and will (as to very many of them) as certainly follow the taking away of Tenures *in Capite* and by Knight-Service, as effects do uſually their cauſes, *Cromwell* the Protector of his own Villainies as well as our Miſeries) very well underſtood, when, in order to the deſtruction of the King and his Family, the ruine of all the Nobility and Gentry, and the rooting up of Monarchy, and every thing which did but reſemble or help to ſupport it, he did all he could to take away Tenures *in Capite* and by Knight-Service.

And having a conſtant and ſtanding Army of Thirty thouſand Horſe and Foot allowed to him and his Succeſſors by his *Inſtrument of Government*, or *Rod of Scorpions*, and a Revenue of *Nineteen hundred thouſand pounds* to maintain himſelf in his intended unlimited *Monarchy*, and to keep the people in ſlavery, cozening, cheating, and ruining all Loyal and honeſt men under the Hypocriſie and pretence of *intentional* Godlineſs, and *Two hundred thouſand* pounds *per Annum* for the proviſion of his Houſe and Servants, found himſelf no way indam-

maged

maged by destroying Tenures *in Capite* or by Knight-Service, or concerned to retain or keep them.

Which being the most noble sort of Tenures, most antient, free, and priviledged, will if they shall be truly and judiciously put in parallel and balance with those of the original and proper Tenures in *Socage*, who as *Coloni & adscriptitii*, tied to their husbandry and plowes, did (as Sr *Edward Cook* saith) *Arare & Herciare*, Plow and Harrow their Lords Lands, and do many other servile works; or with such a Socage as those many Tenants hold their Lands by, which hold by a certain small rent of Sir *Anthony Weldens* Heir for Castle-guard to the ruined *Rocheſter* Castle in *Kent*, to pay 3 *s.* 4 *d. nomine pœnæ* for every Tide which after the time limited for payment shall run under *Rocheſter* Bridg. Socage.

Or with *Copy-hold* Tenures, (which at the first being frankly given for years or life, and after by a continued charity turned to a Customary Inheritance) were bound up to many inconveniences, as not to lease their Lands or fell Timber without their Lords licence, and many forfeitures, payments and customes, some at Fines incertain, at the will of the Lord, after the death of their Ancestor, and which upon a suit or appeal in the Courts of Justice or Chancery are never mitigated or brought lower then two years present and improved value; and where the Fines are certain, do in many places pay as much or more, in some places where they pay less pay after the rate of five pence *per Acre*, and in other eight pence *per Acre*, or higher as the custome varies; and Copy-hold.

pay Herriots, not only upon the death of the last Tenant but upon Surrenders; and in some places the Widdows having no *Free Bench* (as they call it) or Estate in the Lands after their Husbands; and where they have that or Dower, which is seldom in other places, do forfeit if they marry again; or in some places, if they commit fornication or adultery in their Widdow-hood; and if the Lords of Mannors put the Tenants out of their Copyhold Estates upon a forfeiture, they have by Law no remedy but to petition to them, can have no Writ of *Right-close* to command their Lords to do them right without delay according to the custome of the Mannor, no Writ of *False Judgment* at the Common Law given in the Lords Court, but must sue to the Lord by Petition, nor can sue any Writ of *Monstraverunt* to command their Lords, nor to require of them other Customs or Services then they ought, must grinde at the Lords Mill and bake at his common Oven, and not speak irreverently of them.

Northern Tenant-Right.

Or those kinde of Tenures of Lands in *Cumberland*, *Northumberland*, *Westmerland*, and the North parts of *England*, which pay a *thirty peny* Fine at every alienation, and a *twenty peny* Fine upon the death of an Ancestor or of their Lord, according to the rate of the small yearly rents of their Lands, which were at the first freely given for service in Warr, and to repell the *Scottish* Incursions, now much insisted upon and called *Tenant-Right*.

Lease-holders.

Of *Lease-holders* which are racked or pay Fines, and a Rent, as much as any will give for them under harsh and strict Covenants, conditions, forfeitures, & *Nomine Pœnæ's*, without a standing Army & Assess-

ments

ments and a Troop of Horſe (as was done in *Olivers* time) to ſcout in every County, to awe, terrifie, abuſe and ſometimes rob the Inhabitants.

Or the now ſo much deſired Tenure of free and common Socage, (many of which are under the payment of a Tenth every year, of the value as they were firſt granted) by *Fealty* only for all ſervices, with a ſtanding Army or Aſſeſsments, though farr leſſer, as it is hoped, inſtead of Tenures *in Capite* and by Knight-Service, will be more deſirable and prove a greater freedom then either the old *Socage* Tenure, which in *Kent* they did ſometimes willingly exchange, to hold the ſame Lands by Knight-Service, or the Copy-holders or Northern *Tenant-right-men*, or the free and common *Socage* by *Fealtie* only and no other Services. Free Socage.

None of which have or can juſtly claim as the Tenants *in Capite* and by Knight-Service do thoſe antient and honourable Rights, Immunities and Priviledges which juſtly belong unto them, nor their Court Barons and Court Leetes, with the priviledges of *baſſe Juſtice*, doing Juſtice to their Tenants for ſmall Debts under Forty ſhillings, correcting and overſeeing the Aſſize of Bread and Beer, Weights and Meaſures, corrupt Victuals, puniſhment of breach of the Peace, ſwearing Conſtables, making By-lawes, power of adminiſtring the Oath of Allegiance, Inquiries concerning Victuallers, Artificers, Workmen, Laborers, and exceſs of prizes of Wines, *&c.* Inquiries after Seditions, Treaſons, *&c.* and preſenting and certifying them or any other thing that might diſturb the Peace and Welfare of their King and Coun- Beraultus in Commentar. & *Spelmans* Gloſſar. 261. & in verb. leta, 431. Trin. 18. E. 1. in placit inter Abbatem de *Leiceſter* & Abbatem de *Selby*.

try, and by keeping the leſſer Wheels in order, did contribute much to that of the greater, and every one (as litle and ſubordinate *Reguli* and petty Princes) enjoying under their Kings and Soveraignes that which to this day (aſwell as antiently) have been called Royalties, which being but pencil'd and drawn out of Regal favours and permiſſion, are *in Fide & Homagio* deduced from thoſe Tenures; For all which free Gifts, Emoluments, Immunities and Priviledges, they had no other.

Burdens or Duties incumbent upon Tenures in Capite *and* Knight-Service.

Eſcuage. THen to go to Warr well arrayed and furniſhed with the King or his Lieutenant General (which every Subject if he had not Lands freely given him is in duty bound to do) or his meſne Lord when Wars ſhould happen, which in a common courſe of Accidents may be but once or not at all in his life time, and then not to tarry with him above forty dayes or leſs according to their proportion of Fee or Lands holden at their own charge (which is a greater favor then to go along with him all the time of his Wars) and for all the time that they remain afterwards in the Camp to be at the Kings charge, and to have Eſcuage aſſeſſed by Parliament of their own

own Tenants if they ſhall refuſe to go alſo in perſon.

Their reſpit of Homage was without perſonall attendance diſcharged once in four Terms or a years ſpace for ſmaller Fees proportionable to the yearly value of their Lands then *three ſhillings four pence per Ann.* which they that held a Knights Fee yearly paid to their *meſne* Lords for reſpite of ſuit of Court. Homage.

Their *releif* when they dyed, leaving their Heirs at full age, was for a whole Knights Fee but C^s. (leſſe moſt commonly then a Herriot or the price of their beſt Horſe or beaſt if they had holden in Socage) and when they were in Ward paid nothing for it; for a Barony 100 *marks*, and an Earldom 100 l. of a Marquis 200 *Marks*, and a Duke 200 *l.* Relief.

The *Primer ſeiſin*, which though due by Law was never paid untill 4° or 5° *Car. primi*, was like the Clergies firſt-Fruits, according to a ſmall moderate value a years profit if in poſſeſſion, and a Moyety in Reverſion; and ſo ſmall a caſualtie or revenue, as in the 16th year of the Raign of his late Majeſtie they did but amount unto 3086 *l.* 9 *s.* 8 *d. ob. half farthing.* Primer Seiſin.

And the charge to the Officers of a general Livery (being like to an admittance of a Tenant in a Copyhold eſtate, but a great deal cheaper) where the Lands were under value and found but at 5 l. *per Ann.* wch moſt commonly was the higheſt rate of finding or valuation of it when it was 100 l. *per Annum* or ſomething more, with all the Fees and requiſites thereunto did not exceed 10 l. and the Fine for a Livery where there was a Wardſhip, half a years profit after a ſmall value, and ſo little as in 16 *Car.* Livery.

the

the accompt for Liveriess was but 1316 *l.* 12 *s.* 4 *d.* *ob. farthing.*

And where a Special Livery under the Great Seal of *England* was sued out, with a Pardon for Alienations, Intrusions, &c. did not with the Lord *Chancellors*, Master of the *Rolls*, and Master of the *Wards*, and all other Fees included, make the charge amount to more then 15 *l.* or 20 *l.*

Meine Rates. Where a Livery was not sued out as it ought to be, the meine rates and forfeitures (which may be avoided) were either pardoned or gently compounded, and of so small a consideration in the Kings Revenue by Wardships, as in *Anno* 1640. and a time of peace, the Account thereof amounted to no more then Nine hundred ninety two pounds fifteen shillings two pence half-peny half-farthing.

And where a minority happened, which in Times of less luxury was but seldome, many were either Knighted or Married before they attained to their full age, and Heirs females were not infrequently married long before their age of 21. there being not one with another, one in every seven that died leaving an Heir in Minority.

Which may the better be credited, for that, if Report mistake not, a Family of *Poynings* or *Pointz*, *have* ~~having~~ from the Reign of King *H.* 1. now almost six hundred years ago, not had an Heir in minority.

And it is certain enough that in twenty Discents of the Family of *Veeres*, now Earls of *Oxford*, in the space of six hundred years and some thing more, and the Warrs and Troubles which happened in many of them, there have not been but six in minority when

when their Fathers or Anceſtors died; and the like or leſs may be found or inſtanced in many others.

And for one that is left very young at his Fathers death, there are commonly nineteen that are of greater age; and for one betwixt five years old and ten, there are ten that are above the age of *ten*; and for one that is betwixt that and fifteen, there are ſeven that are above it; for that moſt commonly in ſuch early marriages as theſe times affoard, which in great Eſtates are not ſeldome the ſons are at age, or a great part of it, before their Fathers death, and do keep a better account of their Fathers age then they do of their own.

Marriage.

And then the marriages, which now generally bring ten times bigger Portions then one hundred years ago, were moſt commonly granted to the mothers, or to the next and beſt friends, if they petitioned within a moneth after the death of the Fathers or Anceſtors, and where there were conſiderable debts or many younger children, were not rated at above one years improved value, if the Eſtates were not indebted or incumbred with younger childrens portions, and a great deal leſs if it were, as may eaſily occur to any that ſhall compare the Fines for marriages (appearing in Sr *Miles Fleetwood* the Receiver Generals Accounts of the Court of *Wards*) with the value of the Lands in Wardſhip, where very ſmall ſums, as 40, 50, 80, or 100 *l.* Fines for Marriages, may be found to be ſet upon an Eſtate of 2 or 300 *l. per Annum*.

And moſt commonly compounded for to the uſe of the Ward himſelf, and from Heir male to Heir Male, although they were ſix or ſeven of the Sons

of

of the ſame father, for the ſame fine or compoſition, if the Ward ſhould dye, which, or the like favour as to Lands, is not uſed by Lords of Mannors upon admiſſion of Tenants to Copy-hold Eſtates.

Rents. The Lands where there were no Dowers or Joyntures (which ordinarily did take away a third part or more) were leaſed for a ſmall Rent, not exceeding moſt commonly the tenth part, and very often according to the troubles, incumbrances and debts upon the Eſtate, at the *fifteenth* or *twentieth* part, out of which the Ward had an exhibition yearly allowed towards his Education; if of ſmall age, after the rate of 10^{l}. *per Cent.* of the revenue of the Lands, certified by the Feodary; or if at Univerſity or in Travel beyond the Seas, had a better allowance.

Licences to Widdows holding *in Capite* by Knight Service to marry. The Licences for Marriage (which is totally denyed in Copy-hold Eſtates, and would be therein gladly purchaſed) were of ſo ſmall profit to the King ſeldom happening or cheaply granted, and in that of great Ladies not called for, as it came to no more in the 16*th* year of the Raign of King *Charles* the Firſt, then 37^{l}. 3*s*. 4*d*.

To compound with Copyholders. And the Licence to compound with Copy-holders for their Admittances in the times of the Lords of the Mannors, Wardſhips, ſo eaſily and for a little granted, as in that they came but unto 50^{l}.

Fines taken by the Court of Wards upon the Grants of Lands in minority. The fines upon the making of the Leaſes or Grants of the Lands were ſmall and more *pro forma* then otherwiſe at 10*s*. 15*s*. 12^{d}. 6^{d}, *&c.* and very ſmall ſumms of money when they exceeded.

And

And whatsoever charges or payments may happen by Wardships, which all things duely considered are less then what is paid upon Copy-hold Estates, may by Law and the favour of former Kings, be for a great part escaped by conveying away in their life times or devising by will two parts in three of all their Lands (leaving a third part to descend to the heirs) for payment of Debts and preferment of Wives and Children, the heires of Tenants *in Capite* and men of any considerable Estate very often marrying before the age of *One and twenty* years, and having all or the most part of the Fathers Estate, reserving some Estate for life, and the Mothers Joynture or Dower excepted setled upon them.

Which they may well be contented with, when as all the charges and burdens (as some do cal them) wch do happen upon those Tenures, are lesser then the payment of the first-fruits of Benefices and Bishopricks to the Clergy, with Procurations, Synodalls, & other necessary charges in the Bishops Visitations, lesser then that of Tenths, according to the then true yearly value, reserved by King *H.* 8. and *E.* 6. upon their Gifts, Grants, Sales and Exchanges of Abby Lands, lesser then the payment of Tythes, and lesser and more seldom then the easie payments and burdens upon Copy-hold Estates; when as those that purchased any of those kinde of Lands either charged with *Tythes* or *Tenths*, or the Duties or incidents belonging to Lands *in Capite* and by Knight-Service, did buy them with those *Concomitants*, which neither buyer nor seller were able to purchase

or discharge; and cannot pretend it to be a grievance, because they cannot enjoy them freer then they purchased or expected, no more then he that buyes a Calf can complain it was not an Oxe, then hee that bought a Copy-hold Estate after the rate of an Estate of that nature, and did suite and service belonging unto it, can afterwards think himself to be ill used, or under any oppression, because it was not free-hold; or hee that bought a Lease can justly conceive himself to be injured by him that sold it, because he hath not the Reversion or Fee simple of it.

And should (if rightly examined and duly considered) be no more a cause of complaint or grievance then the weakness in Estate of a Tenant overwhelmed with debts, and his disability to pay a cheap and easie Rent of *Twenty* pounds *per Annum*, though it makes that Rent to be a burden, which formerly (and being not indebted) he found to be none, can make it either to be a grievance or unreasonable or illegal, or the old age or sickness of a formerly lusty and healthfull man, which renders a small weight to be very heavy, which was at other times not at all troublesome to him, can make it in it self to be so much as he now takes it.

Nor are the supposed Grievances and Burdens of Tenures *in Capite* and Knight-Service, naturally, originally or intrinsecally to be found either in them or by them, but are often occasioned by the parties groundless complaints, and the troubles and burdens which they bring upon themselves, who like men very sick by distempers and diseases

diſeaſes of their owne making and complaining heavily of their paines and anguiſh, can many times only tell that they are ſick, and not as they would or ſhould be, but not whence it came, or if they could are unwilling to remember the cauſes of it.

For,

The Reaſon why they ſeem to be Burdens and Grievances, and heavier then formerly

CAnnot be hid from thoſe wch ſhall but enquire and rightly and judiciouſly ſearch into the Cauſes of that which now lyes more upon ſome mens ſpirits, or imaginations, then need to be, if they would doe by themſelves in the *Oeconomie* and manage of their Eſtates and Affairs, as their more prudent and virtuous Anceſtors did, who when Meadow ground was in H. *6.* dayes now not much above 200 yeares agoe, in the moſt fertile Counties of *England*, at no greater a yearely value then 8 *d* per Acre by the yeare, and other lands of 4 *d.* or 5 *d.* an Acre per *Annum*, could keep greater houſes or hoſpitalities by five or ten to one then they doe now, a greater retinue of ſervants and dependants, gave great quantities of lands in *Com-*

men, and *Estovers* of wood to the poore or whole Townshipps, live honorably if they were *Barons*, and worshipfully if they were *Knights*, and *Esquires*, and serve their Prince faithfully, did great acts of Piety and Charity, by building and endowing of Churches, and stood as greater and lesser Pillars in their severall Counties, did not rack and skrew their Tenants to the utmost that any would give for lands, with harsh and hard Covenants and Conditions, did grant Mannors, Annuities, and Farms to *Gentlemen* in *Fee*, or for lives, to serve and go along with them and their Prince upon occasion of wars, were not troubled at their Tenures *in Capite* and by *Knight-service*, did not thinke those benefits to be any burdens, though great summs of money were somtimes paid as 6000 *l.* by a mother of an Earle of *Oxford*, and 2000 *marks* by a mother of an Earle of *Clare*, in the raigne of King H. 3. for their wardshipps, when marriage Portions or Dowries in money were but small, and their large and great revenues considered, were but as accumulations of many lesser wardshipps; were not so much indebted as now, nor so much enforced to mortgage or sell Lands, get Friends, Servants, or Tradesmen to be bound for them; to have their Lands extended, or the persons of such of them as were under the degree of Baronage, outlawed or arrested, were not up to the ears in Shop-keepers or Tradesmens Books or *Items*, but lived within the pale of *Virtue* and *fence* of *Sobriety*, and far better then they do now, when they do let errable land at 13 or 16 *s. per* Acre, by the year; Pasture at 20 or 30 *s.*

and

and Meadow at 40 *s.* or ſometime 3 *l.* the Acre *per An.* were not driven out of their ancient and former love and reputation in their Countries or Neighbourhood, by letting the Kitchin chimneys of their Country houſes fall down for want of making but ordinary fires in them; but did in their ſeveral orbs and ranks live more honourably and worſhipfully then now they do or can, when they are guilty of few of thoſe great and good actions; did not, as too many do, ſpend in the purſuit of Vanities ten times more then their Forefathers, who had long kept and enjoyed the ſame or greater Eſtates; nor ſit up all night to come home drowſie and diſcredited in the morning, with the loſs of 4 or 500 *l.* and ſometimes 3 or 4000*l.* by gaming; beſtow 2 or 300*l.* on a Coach, and 100 or 200*l.* upon a Band; Spend more in gaming, drinking, and whoring, (wch their forefathers, though ſometimes addicted thereunto, could get at cheaper rates then by maintaining a coſtly *Corinthian Lais* or a ſumptuous *Cleopatra*) then would pay for the charge of a Wardſhip, and loſe more in a careleſs or not at all taking of their Accounts, or looking to their Eſtates & Affairs then would twice over diſcharge it, nor did tamely permit their flatterers, ſycophants, and promoters or concealers of their vices, to go a ſhare in their Eſtates and Fortunes: Too many of their eldeſt ſons were not ſo mounted to the height of Faſhions as to ſpend more in Powder, Plays, Coaches and Ribbons (the leſſer circumſtantials of their vain expences) then their forefathers, when they were Heirs apparent had allowed them for all neceſſaries, and

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a better kind of education, and expend more in *Perukes* or *Periwigs*, at 3 or 5 *l.* price, for every one, then would pay for the charges of suing out their Fathers Liveries; too many of their wives and daughters did not racket with a troop of young Gallants, or Gentlemen of *Amours* or Dalliance; not discourse more of *Romances* then the Word of God, Virtue and good Examples, send their Linnen for the attire of their heads and necks, when they are above one hundred miles from *London*, by the weekly Posts, to be washed or starched by the *Exchange*-women, hunt after the newest and most costly fashions, sacrifice to all the parts of pride, gluttony, prodigalities, and luxuries, drive a trade of black Patches and Painting, give 10, 20 or 40 *l.* for a yard of Lace; did not make it their designs to vie with every one they can perceive to wear Jewels, Diamond Lockets, Necklaces of Pearl, or more costly Apparel then themselves; did not give *insana pretia*, extravagant and cheating prices, because such a mad great woman, or a neighbours *purse-emptying* wife had given the same, & 'twould be a disparagement to come (as they say) behind them, or wear any thing at a lesser rate; nor adventure and many times lose 5, 10 or 20 *l.* in an afternoon or evening at Cards, which is now become most of their huswifery; their daughters did not in their hopes of getting Princes to their Husbands, or impossible great Marriages, help to cast their fathers estates and purses into a consumption, and spend more money betwixt their age of 13 and 20 then would have made treble the marriage portions of their Grandams,

when

when 100 *l.* or 200 or 300 *l.* was a good portion for a good Knights well-bred Daughter, when 1100 marks was in 2 *H* 6. a good portion for a marriage betwixt *Thomas* Lord *Clifford* and a Daughter of the Lord *Dacre*; when *Henry* Lord *Clifford* having great and large Revenues in the North parts of *England* and elſe where, did in 33 *H.* 8. ſuppoſe it to be a good proviſion for his Daughter *Elizabeth Clifford* to deviſe to her by his laſt Will and Teſtament one thouſand pounds if ſhee married an Earle, (which in thoſe dayes were men of no ſmall revenues) or an Earles ſonne and heire, 1000 marks if a *Baron*, and 800 marks if a *Knight*, and that *Henry* Lord *Clifford* his ſonne did in the 12 *th.* or 13 *th* year of the raign of Queen *Eliz.* give by his Will but 2000 *l.* to his Daughter if ſhee married an Earl or an Earls ſon and heir, 2000 marks if a *Baron* or his ſon and heire apparent, and 800 marks if ſhee married a *Knight*, and that 1500 or 2000 or 3000 *l.* is now but an ordinary Portion to be given in marriage to rich yeomens ſonnes, or the ſmaller ſort of Gentry or Silkmen, Mercers, or Drapers, and a great deale too litle for thoſe kind of *Haggard Hawks* (for there be ſome though not ſo many as ſhould be which live ſoberly and chaſtly, and are helpers to preſerve and increaſe, not ſpend their husbands eſtates, aſwell as their owne Portions,) who fly *Steeple high* and cannot by any law or perſwaſion of Scripture, Reaſon, Shame, or feare of Poverty, Impriſonment and ruine of their husbands & children, and their ſighs & ſorrows be brought to ſtoop or give way to any lower pitch, but are more

deſtructive

deſtructive to a husband, who againſt his will and for that little quiet and content which he can get, muſt permit it, then the miſchances of a Rot of Sheep, Piracies or Shipwracks, the ſea breaking in upon their Landes, ruine of Sequeſtrations or Suretyſhip, and if they might have their wills are able to Bankrupt and exhauſt the King of *Spain* and all his *Weſt-Indies*.

When too many of the young women will not like or love the men, unleſs they be as vain and expenſive as themſelvs; and the men to pleaſe the women & be faſhionable, muſt run a *vie* with them who ſhall ſooneſt ſpend all they have, or can by any ſinfull courſes compaſs a ſupport or maintenance for it.

And the fathers moſt commonly ſo much indebted before they marry their eldeſt ſons, as they muſt have their marriage Portions to marry their Daughters, and for 2 or 3000 *l.* Portion, make his Daughter in law a Joynture of 4 or 500 *l. per Annum*, to free her from the trouble of over-loveing her husband, when as ſhee ſhall be after his death ſo well provided to get another.

When two or three ſervants wages amount to as much as ſix heretofore, and a great deale more *per Annum* then would have made a good Gentlemans younger ſonne an Annuity, when great Aſſeſsments beleaguer them on one ſide, and their own vices and prodigalities, and all manner of coſtly ſins and vanities now ſo univerſally practiſed on the other ſide; Tradesmen uſe falſe weights and meaſures, and more then formerly tricks and myſteries of Trade; adulterating their work and commodities, and raiſe-

ing

ing the prices to three times more then heretofore, and by the prodigality and careleſneſs of not a few of the Gentry, creep into their eſtates, and get too great a footing in it, by furniſhing them with vanities, and the country men and Farmers to maintain their growing pride, and exceſſe making all the haſte they can to imitate them, do heighten the rates of all that they ſell; and when the foundations of our *Little World* (which was wont to be the beſt of the *Great'er)* are broken up, and moſt part of the people *eccentrick* and running into exceſs and diſorder; when the Apprentices and Servants will do all they can to live like Gentlemen, the Mechanicks like Merchants, the Gentry as high as the Nobility, the Maids will be apparelled like their Miſtreſſes, & the Miſtreſſes as farr beyond their eſtates as their wits, *Vintners* & *Woodmongers* wives & *Poulterers* daughters muſt have Pearl Neck-laces of great prizes, and all ranks and degrees of people would, (as if they had been choſen *Kings* & *Queens* on *Twelfth* nights, make it their buſineſs to be in their expences Kings and Queens all the year after) do not only conſume and waſte the eſtates of very many of our Gentry, and diſable them to pay as formerly their neceſſary Aids, Contributions and Oblations to their Prince for the ſafety of themſelves and their Countries, but carry them and all that follow their example beyond an *Aſiatica luxus*, that forreign luxury of *Aſia*, which, as *Juvenal* ſaith,

—*incubuit victumq́, ulciſcitur orbem*,

Conquered and undid the conquering *Rome* and Miſtreſs of the word; the abuſe of peace and plenty, which the *Lydians* by the policy of *Cyrus* did ruine

and ſubdue themſelvs withall; & that height of pride and plenty which in *Germany* did help to procure their after wofull warrs and deſolations.

And making us to be almoſt as mad in our Luxuries as the ridiculous *Sybarites*, will ſuddenly (if Gods mercy and good Laws prevent not) make poor *England* (which for Twenty yeares laſt paſt hath been kicked, toſt and torn like a *Foot-ball* by the *pocketing and plundering Reformers* and their ungodly Warrs) to be a *Burden* to it ſelf, and not able to ſupport the Exceſſes and pride of the people of it; but trembling at the apprehenſion of Gods long deferred Judgments for the puniſhment of it, groan under the burden of thoſe ſins which do every day more and more haſten and draw them down upon us.

And may perſwade us when it is too late, that the ſaving in theſe laſt Twenty yeares *Eighteen hundred thouſand pounds* which would have been paid to King *Charls* the Firſt, and his Majeſty that now is, by reaſon of Wardſhips and Tenures *in Capite* and by Knight-Service, with many other great ſumms of money due to them out of their Royal Revenues, amounting to as much or a great deal more which the King in his largely extended Act of *Oblivion* is now pleaſed to remit and pardon, will not by a Tenth part make the people of *England* ſavers for what was loſt and expended in the Warrs by ruines and plundrings, beſides very near *Forty millions* of ſterling money ſpent in publick Taxes and Aſſeſsments to purchaſe an unhappy *Rebellion*, and the ſad effects and conſequences of it.

So that our Complaints of Tenures *in Capite*

and

and Knight-Service are from a *Non causa*, by imagining that to be a cause which was not, for our supposed grievances, are but like those of hurt and wounded men by their own follies and distempers, which cannot endure the softest hand or most gentle touch of a Friend.

Tenterden Steeple was not the cause of *Goodwin* Sands, nor of Shipwracks at Sea, but the rage of the Windes & Seas, and the Waves and Billows cuffing each other.

Nor is our ever welcome *Youth*, and lamented when it is lost, the cause of Gouts, Palsies, Dropsies, *Hectick* Fevers, Consumptions, and many times a worser Disease, which the Intemperances of young people with no little charge in the purchase of them have hired to be their attendants.

But they are our more then ordinary pride and vices which have made our Burdens twenty times exceed any payments or charges by Wardships, which are (when they happen) sufficiently recompenced by the care and priviledges of the Court of Wards, preserving the Wards Wood and Timber, binding in great Bonds those which are trusted, to make true and just accompts, calling them (if need be) often to accompt, as in the Duke of *Buckinghams* case, once in every three years, and redressing wrongs done to them either in their real or personal estates.

The *Hundred thousand pounds* and above spent the last year in Coaches and Feathers extraordinary, and *One hundred and fifty thousand* pounds at the least spent this year in *Ribbons*, must be no grievance, but a quarter of either of the summs spent in Wardships, (which in *Scotland* in the raign of their

King *Malcombe* the Second, which was before the *Conqueſt*, was not unwillingly yielded to be the Kings Right, *nè non ſuppeterent Regiæ Majeſtatis facultates*, to the end the King ſhould have wherewithall to defend the Kingdom; which Maſter St *John* in the caſe of Ship-money, and the Parliament (ſo called) in *An.* 1642, were content ſhould be allowed the King for the ſame purpoſe) muſt be intolerable.

Or like thoſe which let their ſacks of Wool fall into the water, and finde them to be much heavier then they were, if our Land *be as the ſhaking of the Olive-tree, and as the gleaning Grapes when the Vintage is done*, and we cry, *Our leanneſs, Our leanneſs*, and finde a diſability more then formerly to perform thoſe Duties & Services which were never denyed to be due unto our Prince in ſupport of his Royal Dignity and the Welfare and happineſs of his people, the cauſe is *aliunde*, comes another way, and ariſeth from our unlucky Reformations, publick Taxes and Aſſeſsments, to aſſiſt the ungodly attempts of thoſe who deſigned and continued our inteſtine warrs, & from thoſe grand Impoſitions which moſt of the people have laid upon themſelves in the purchaſe of pride and ſuperfluities, which thoſe who have made it to be ſo much their buſineſs may know how to free themſelves of.

And if the Lands which are holden by ſuch beneficiary Tenures ſo antient, ſo honorable for the King, and ſafe for him and his people, and ſo legal & rational *cum totius antiquitatis et multorum ſeculorum, conſenſu*, from generation to generation, & through many generations well and thankfully approved, uſage and cuſtome of them ſhall be now taken to be burdens,

burdens, the owners of thoſe Lands may eaſily ſave the labour and trouble of complaining, and free themſelves of thoſe undeſervedly called burdens, by reſtoring of the Lands according to the rules of right reaſon, law, and equity, to thoſe or their heirs, which did at firſt freely give them, and had the faith and promiſe of thoſe that received thoſe no ſmall favours *cum onere* to perform the Services and Duties which the Law and a long and reaſonable cuſtome have charged upon them or thoſe which afterwards purchaſed them.

Or if that will not be liked, and we muſt think we do nothing, unleſs (not in a Deſart but a Land of *Canaan*) we out-do the murmurings of the ſadly puniſhed *Iſraelites* with Quails in their mouthes, when all ſhall be done as ſome people would have it, and that Tenures *in Capite* and by Knight-Service, and the Royal Pourveyances ſhall be ſacrificed to their deſires or wiſhes, they will then make no better a Bargain of it then thoſe, who repining & grumbling at the charge of maintaining *Sea*-walls and Banks, have aftewards found by wofull experience, that it was farr leſs charge and damage then to have the Sea break in upon their Marſhes and Lands, drown and carry away their Cattel, and be at a greater charge then formerly in making them up again and maintaining of them.

Or as thoſe that found fault with the *Surplice* did, when by their unquiet ignorances they opened the door to an Army of *Fanaticks* and *Locuſts* which did almoſt eat up every green thing in the fields of our Religion.

Or as thoſe Murmurers, who thinking *Twenty*

ſhillings

shillings to be a heavie Taxe for Ship-money, Guard of the Seas, and Defence of the Kingdom, to be laid upon 7 or 800 l. *per Annum* (for that was all which was in a year or half a year laid upon the unhappy Mr *Hamdens* Lands) were afterwards for many yeares togerher enforced to pay the fifth part of their Rents and Revenues to help to destroy the King, Laws, and Religion, kill their Debtors, Husbands and Children, and near Relations.

And then the next thing will be to desire that they might have the farr heavier burden of Taxes and Assessments taken off, which if Tenures *in Capite* & by Knight-Service shall be taken away, can no more be avoided then he that wilfully shuts out the light of the Sun or the Day, unless he will like *Democritus* sit and grow wiser in the dark, can save the greater charges and expences of candles and other lights: And will at the last learn to believe, that when *Salus privatorum & omnia bona Civium in salute Patriæ continentur*, every private mans good and safety depends upon the Kings and the Weal publick, it will not be for the good and safety of the people to take away the Lions meat, enforce him to seek his prey or take it himself, or to suffer the head to languish, in hope that the members or the rest of the body should be the better for it; who when they are called to the Council or *Parliament* of the body natural, are to lay aside all their own Interest and Concernments, and every one doe what they can to cure and help the wants of it.

Bodin. de Repub.

And that if those Lands which are holden *in Capite* and by Knight-Service had been at the first purchased at the true and utmost value, and the charges

charges now incumbent upon them, had been since imposed upon them, when other Lands were free and not charged with them, there might be reason enough to call them burdens; But being that they were not at the first purchased, but freely and frankly given upon those Conditions which were by Agreement promised to be performed by those that thankfully received them, and would be so now by the greatest *malligners* of them or *inveighers* against them, there can be no manner of reason, cause or ground to esteem them to be burdens, oppressions or *Norman* servitudes (as *Ordericus Vitalis* and *Mathew Paris*; the later whereof wrote his History in the Raign of King *H.*3. since which time many Indulgences have been granted to those kinde of Tenures, have been pleased to mistake them) when our *Magna Charta* and all our Acts of Parliament have in every age ranked them amongst the peoples Liberties, and confirmed and made many an Act of Parliament to support those Regalities.

And when the Parliament of 1mo *Car.* 1mi. in their great care of their Liberties, and the taking away of all that might but disturb them, did call them a *Principal Flower of the Crown*, which being not used to be made up or grow out of Grievances.

Cannot be disparaged by those clamours and crys which have, more then needed, been made concerning the Earl of *Downes* concealed Wardship, and the inconveniences arising thereby, which did not the tenth part of that prejudice to his Revenue and Estate, which his prodigality and other Extravagancies afterwards brought upon it, and might howsoever have been prevented, if his mother in law or any

ny other of his friends (upon the ſeveral Requeſts of the Maſter of the Court of Wards and the Officers of that Court) would have petitioned and compounded for his Wardſhip, and not have made thoſe many Traverſes and Denyals in thoſe many Suits of Law and purſuits which were afterwards made to compell them to it.

Nor will that or any other which are pretended grievances be ever equal or come up to thoſe farr exceeding real and certain grievances which too many of the Fathers in law of *England* (into whoſe hands and cuſtody moſt of the Wardſhips or Guardianſhips are endeavored to be more then formerly put) will, if thoſe Tenures ſhall be taken away, bring upon fatherleſs children, and will in a ſhort time do more harm to the childrens Eſtates of the firſt husband then ever yet happened by Wardſhips to the King and meſne Lords.

Which the caſe of one that twelve years ago had the Revenue of an Infant amounting unto above 700^{l} *per Annum* charged with no more then 1000 *l.* debt, and a great perſonal Eſtate committed to his Truſt, hath to this day paid none or a very ſmall part of it, but keeps the Rents and profits, allowing a ſmall exhibition to the Infant, to his own advantage.

Of another, that hath ſold and waſted Woods and Timber of a *Minors*, to the value of Ten Thouſand pounds ſterling.

And many more ſad & deplorable Experiments, wch may abundantly induce to believe as well as lament them, & are not to be found in thoſe well-ordered & eaſie way of the Grants and Diſpoſitions of Wardſhips which

which happened by Tenures *in Capite* & by Knight-Service.

Which may appear to be the better eſtabliſhed, & upon greater grounds of Law, right Reaſon, Juſtice and Equity, when as many of the Lords of Manors and Copy-hold Eſtates who do now enjoy by thoſe Tenures many Rights, Seignories and commands, with view of Frank-pledge, Deodands, Felons Goods, Wrecks, Goods of Out-lawed perſons, and *returna Brevium* granted and imparted to their Anceſtors by the bounty and favor of his Majeſties Royal Progenitors, who did not think it to be a grievance to have Abby or religious Lands which were freely given or cheaply granted to them held *in Capite* and by Knight-Service, though there were at the ſame time a Tenth of the then true yearly value reſerved, would not upon the pretence and clamours of ſome Copy-holders concerning Fines incertain, and the rigours and high demands put upon them by ſome Lords of Manors who have 5 or 600 Copy-holders in ſome Manors belonging unto them, and can ask 13 *s.* 4 *d.* *per Acre* for ſome Lands, and 10 *s.* *per Acre* for others to permit them to take their Eſtates hereafter at a reaſonable Fine certain; and whether poor or rich, indebted or not indebted, and charged with children or not, will ſeiſe their Herriots, and take as much as they can get upon the admiſſions of the Heir, or the outcries againſt the many coſtly and vexatious Suits which have tired *Weſtminſter*-Hall, and ſome Parliaments concerning Fines incertain, be well contented. Coke in præfat. 9. Relat.

That their power of rating and taking Fines ſhould be reſtrained, or that they ſhould be ordered

upon the admittances of their Copy-hold Tenants by Act of Parliament to permit their Tenants without such Fines as they usually take to surrender and alien two parts in three for the advancement of their Wives, payment of debts or preferment of Children, as the Kings of *England* and mesne Lords have limited themselves, or should be tyed upon the death of every Tenant and admission of his Heir, as King *James* was pleased to limit him and his Heirs and Successors.

Instructions or Directions of King *James* to be observed in the Court of Wards.

That *upon consideration of Circumstances, which may happen in assessing Fines, either by reason of the broken Estate of the deceased, want of provision for his wife, his great charge of children unprovided for, infirmity or tenderness of the Heir, incertainty of the Title, or greatness of Incumbrances upon the Lands, there shall be (as those or any other the like Considerations shall offer themselves) used that good discretion and conscience which shall be fit in mitigating or abating Fines or Rents to the relief of such necessities.*

Or to release and quit all their Royalties in their Manors, nor would think it a good bargain to have no Compensation or Recompence at all for them, or no more then after the rate of what might *Communibus Annis*, one year with another, be made of them; or that they could with justice and equity lay the burdens and payments of the Copy-holders upon the Free-holders and Cotagers.

Which if they do not now take to be reasonable in their own cases, may certainly give every man to understand how little reason there will be to take away the dependencies and benefits by Tenures *in Capite* and Knight-Service holden of the King and mesne Lords.

Or

Or to abridge the King of that harmeleſs power never before denyed to any of his Anceſtors, to create Tenures in *Capite* and by Knight ſervice, or in grand Serjeanty for the defence and honour of the Kingdom, upon new Grants of Lands or Favours; eſpecially when as His Majeſty that now is, did by His Declaration of the thirtieth of *November* laſt, concerning the eſtabliſhing and quieting the Government in the Kingdom of *Ireland*, (which hath been ſince very much liked and approved by the Parliament of that Nation) inſert a Saving of the Tenures of the Meſne Lords, and ordained Tenures *in Capite* and by Knight-Service upon the Lands which ſhall be ſet out to the Souldiery for their Arrears.

Or that Tenures *in Capite* not by Knight-Service, with all petit Serjeanties, (which, as Sir *Edward Coke* ſaith, is a Tenure *as of the Crown*, that is, *as he is King*) and the Profits and Reſervations upon them, which if well gathered would make ſome addition to the Royal Revenue, ſhould by the pattern of *Olivers* (ſo called) Act of Parliament be taken away when there are no Wardſhips incident thereunto, and that aid to make the Kings eldeſt Son a Knight, or marry his eldeſt Daughter, ſhould be taken away in the *Capite* and Knight-Service Tenures, and left to remain in the former Socage Tenures, or how little it will be for the good of the people if the intended Act of Parliament ſhall order the Tenures *in Capite* by Socage to pay double their former quit Rents or other Rents or Incidents belonging thereunto, or to pay for a Relief double their petit Serjeanties or other Duties reſerved.

Coke 1. part: inſtitut. 126. Fitz Herberts N B. 82. 25. E. 3. cap. 11.

When as Tenures *in Capite* and by Knight-Service can certainly have no pretence of Grievance in them, (for they are only pretences and cauſeleſs clamours that have of late caſt them into an *odium* or ill will of the common ſort of people, or ſuch as do not rightly underſtand them) but may be made to be more pleaſing unto them by this or the like

Expedient,

IF the Marriage of the Wards and Rents of their lands during all the time of their minorities computed together ſhall be reduced to be never above one years improved value, which will be but the half of that which is now accounted to be a reaſonable Fine, and frequently paid by many Copy-hold Tenants, whoſe Fines are certain, and would be moſt joyouſly paid by thoſe which are by Law to pay Fines incertain at the will of their Lords.

That the Arch-Biſhop of *Canterbury* and thoſe other few meſne Lords, who by antient exemption and priviledge are to have the Wardſhips of Tenants holding of them by Knight-Service in their minorities, though they hold other Lands *in Capite* and by Knight-Service of the King, may be ordained to do the like favors.

Rot. Parl. 20. R. 2. n. 27.

That all that hold in *Capite* and by Knight-Service be freed from all Aſſeſments touching Warr of their demeſne Lands holden *in Capite* and by Knight-Service, as in all reaſon they ought, being a Libertie or Priviledge (amongſt others)

others) granted to them by the Charter of King *Henry* the First, the (Original of a great part of our *Magna Charta*) in these words, *Militibus qui per Loricas terras suas defendunt terras dominicarum carucarum suarum quietas ab omnibus geldis & ab omni opere proprio dono meo concedo, ut sicut tam magno gravamine alleviati, sunt in Equis & Armis, se bene instruant ut apti & parati sint ad servitium meum & ad defensionem Regni mei*; that the Knights which hold by Knight-Service, and defend their own Lands by that Tenure, shall be acquitted of all geldes and taxes of their Demesn Lands, and from all other works upon condition, that as they being freed from so great a burden, they be at all times ready with Horses and Arms, for the service of the King and defence of the Kingdom: Which being long after found out, produced, and read by *Stephen Langton*, to the Earls and Barons of *England*, and Abbots and others of the Clergy, assembled in St *Pauls* Church in *London*, in the great Contest which was betwixt King JOHN and His Barons about their Liberties, *Gavisi sunt gaudio magno valde* (saith *Matthew Paris*) *& juraverunt omnes in presentia dicti Archi-Episcopi quod viso tempore congruo pro hiis libertatibus, si necesse fuerit, decertabunt usque ad mortem*; They greatly rejoyced, and did in the presence of the said Arch-Bishop swear, that if need were they would contend even to death for those Liberties: And is at this day so little misliked in *France*, as an ancient Counsellor of Estate of that Kingdom, in the Reigns of the Great *Henry* the Fourth of *France*, and his.

Mat. Paris 240, 241.

his ſon *Lewis* the Thirteenth, in his diſcourſe of the means of eſtabliſhing, preſerving and aggrandiſing a Kingdom, is of opinion that thoſe *Fieffs*, *Nobles*, and Tenures by Knight Service, ought to have an exemption, as they there have, of all manner of Taxes and Impoſitions, for that they are to hazard their lives *pour la defence de l'Eſtat*, for the defence of the Kingdom.

If where Lands are holden in *Socage* of the King or any other Perſon, and there be a Wardſhip by reaſon of the ſaid lands holden of the King *in Capite*, or *pour cauſe de garde* of ſome other that holds *in Capite* and is in minority, the lands which are found to be holden of the King or any other meſne Lord in *Socage*, being taken into conſideration only as to the Fine for the marriage, may not be put under any Rent or Leaſe to be made by that Court, but be freed as they were frequently and anciently by Writs ſent to the *Eſcheators*, now extant and appearing upon Record.

Ro: Claus. 23 & 24 E. 3.

That *Primer ſeiſins* be taken away and no more paid.

That the King ſhall in recompence thereof have and receive of every Duke or Earl that dieth ſeiſed of any Lands or Hereditaments in *Capite* and by Knight-Service, the ſum of two hundred pounds; of every Baron two hundred marks; of every one elſe that holdeth by a Knights Fee, proportionably, according to the quantity of the Fee which he holdeth, twenty pound for a Reliefe.

That incroachments upon waſt grounds and high ways, which are holden in *Capite*, ſhall be no cauſe of

of Wardſhip or paying any other duties incident to that Tenure, if it ſhall upon the firſt proof and notice be relinquiſhed.

That in caſe of neglecting to petition within a moneth after the death of the Tenant *in Capite*, or otherwiſe concealing any Wardſhips, or not ſuing out of *Livery*, if upon information brought, iſſue joyned, and witneſſes examined, or at any time before Hearing or Tryal of the Cauſe, the Party offending or concerned ſhall pay the proſecutor his double coſts, and ſatisfie the King the Meſne rates, he ſhall be admitted to compound.

That only *Eſcuage* and ſervice of Warr (except in the aforeſaid caſes of the Arch-Biſhop of *Canterbury* and ſome few others) and all other incidents except Wardſhips, due by their Tenants which hold of them by Knight-Service, be reſerved to *Meſne* Lords, & that the Reliefs of five pounds for a whole Knights Fee, or proportionably according to the quantity of Lands of that kinde of Fee holden, ſhall be after the death of every ſuch Tenant Twenty pounds, and proportionably as aforeſaid.

That to leſſen the charges of Eſcheators and Juries for every ſingle Office or Inquiſition to be found or taken, after the death of every Tenant *in Capite* & by Knight-Service, the time of petitioning within a moneth after the death of the Anceſtor may be enlarged to three moneths, and the Shire, Town, City, or principal place of every County be appointed with certain days or times for the finding of Offices, to the end that one and the ſame Meeting, and one and the ſame Jury, with one and the ſame charge,

charge, or by a contribution of all parties concerned may give a diſpatch thereunto.

That the unneceſſary Bonds formerly taken in the Court of Wards at 2 *s.* 6 *d.* or 3 *s.* charge upon ſuing out of every *Diem clauſit extremum*, or Writ to finde an Office obliging the proſecution thereof, may be no more taken, when as the time limited for petitioning to compound for Wardſhips, and the danger of not doing of it, will be ingagement ſufficient.

That Grants, Leaſes, and Decrees of the Court may not (to the great charge of the people) be unneceſſarily as they have been at length Inrolled with the *Auditors* of that Court, when as the ſame was done before by other Officers, in other Records of that Court to which the Auditors may have a free acceſs, and at any time take extracts out of them.

That a ſevere Act of Parliament be made againſt ſuch as ſhall miſ-uſe or waſte any Wards Eſtate, Lands, Woods, and Timber committed or granted to them, or any perſonal Eſtate which belongeth unto them, or ſhall not give them fit education, or ſhall diſparage them in their Marriages, or marry them without any competent portion, or ſhall not within a moneth after the death of ſuch Ward, or coming to his age of *One and twenty* years make a true accompt and payment unto the ſaid Ward, or his Heirs or Executors, of all that ſhall be by them due and payable to him or them by reaſon of the ſaid Wardſhip, upon pain of forfeiture to the uſe of the ſaid Ward, his Heirs or Executors, beſides the ſaid moneys due and payable to the uſe of the ſaid Wards, double

double coſts and damages expended or ſuſtained therein.

And that if any thing of grievance ſhall appear to have been in the compoſitions for Royal Pourveyances, or in Cait taking, which that which was called a Parliament did (ſhortly after the death & murder of the King) very much miſtake, when in their Declaration ſent into all the parts of the world of the cauſes and reaſons of their erecting a Commonwealth, they were pleaſed to averr (that which the people of *England* know how to wonder at, but not to make *affidavit* of) that they exceeded all their Taxes and Aſſeſsments laid upon the people.

And that if the manage of thoſe antient cuſtomes ſhould require ſome better order to be taken, there may be ſuch a reiglement as may conſiſt with his Majeſties Honor and Profit, and the eaſe and good of his people.

Or if a Tryal and experiment be to be given the people, or thoſe (who like children will trouble a kinde and tender hearted *Parent* with Requeſts and Importunities to give them *ſtones* in ſtead of *bread* and *Scorpions* for *Fiſhes*) of the Inconveniences of taking away of antient *Land-marks*, and good old Lawes and Cuſtoms, tryed and approved in this Nation for more then *One Thouſand* years, and a great deal more in others, and the greater and more to be feared Inconveniences of *Exciſes*, loſſes, and damage to the Royal Revenue, and committing the Tutelage, protection and ordering of the beſt Families of the Kingdom and their Eſtates during their minorities to the prey and ill management of thoſe that can get them, and will never ſo well execute thoſe Truſts as

the King, who hath not, nor can (as they) have any private paſſions, Intereſts or Concernments to carry him out of the waies of Juſtice.

And that if ſuch or the like Regulations to be added by His Majeſtie or His Counſell will not be enough to perſwade the people from being *Felo's de ſe*, or *longing* for their own ruines.

The Act of Parliament intended to take away Tenures *in Capite* and by Knight-Service, may be with a reſervation of *Eſcuage* ſervice in Warr and *Homage*, without the incidents of Wardſhips, and be but as a *Probationer* to continue untill three years, and the next enſuing Parliament after that time expended, which may either continue the Act or ſuffer it to expire.

Which with other Regulations which may be made in ſeparating from the right uſe any abuſes which may be found to have crept into thoſe *Seminaries of Honor*, that ſtanding, more noble, and more obliged *Militia*, that legal and antient Conſtitution or the management thereof, and giving if need be ſome better Rules and Orders, may preſerve unto the King and his Succeſſors that great part of his Regal Juriſdiction and power to defend himſelf and his people, and to the People that moſt antient and fundamental Law which is attended by many other Fundamentals, Cuſtomes, Rights, & Uſages in relation & affinity to it not to be parted withall, keep us from *ſerò ſapiunt Phryges*, the fate of thoſe that would rather repent bitterly and too late, then yield to thoſe counſels or admonitions which might have prevented it; and from a worſe complaint, by as much as the whole differs from a

part,

part, made by *Monſieur la Noüe*, that great Captain and Soldier of *France*, in the Raigns of their *Francis* the Firſt, and our *Henry* the Eight, and *Edward* the Sixth, of the alienation and decay of the *Feiffes Nobles* and *Arrierebans*, by granting them in Mortmaine and to *Roturiers*, or men ignoble, wherein he informs us, that *Francis* the Firſt and *Henry* the Second (Kings of *France*) did do all they could to reduce them to their former Order, and was of opinion that *Barbarians* have better obſerved that policie in Government then *Chriſtians*, and that the Obligation of thoſe Military Tenures *ſont bien eſtroites*, are very binding, *Et avec leſquelles les Roys de France par l'eſpace de ſept cent Ans ont faites choſes memorables*, and whe. ewith the Kings of *France* have for ſeven hundred years atchieved great things. La Noüe Diſcours Politiques.

That the wings of our *Eagle* may not be clipped, nor the paws of our *Lyon*, which is to defend his Kingdoms and people, lamed, leſſened, or cut ſhorter, that the common and poorer ſort of people may not (as they do begin already) complain that the Nobility and Gentry have to eaſe themſelves bound heavy burdens upon them, that we may not (as *Bodin* relates of *Henry* the Second King of *France*) fall into his miſtake, who raiſing a great Taxe upon the people whereby to free them from the ravage and inſolencies of the hired Soldiers, found it afterwards to be an increaſe of their grievances. Bodin. lib. 6. de Repub.

That the people may not do by their fundamental Lawes (which they were but lately much in love with, and called their *Birth-Rights*) as ſome young Prodigals do by their Fathers dearly gained Lands, ſell them for a meſs of *Potage* with

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the King, who hath not, nor can (as they) have any private passions, Interests or Concernments to carry him out of the waies of Justice.

And that if such or the like Regulations to be added by His Majestie or His Counsell will not be enough to perswade the people from being *Felo's de se*, or *longing* for their own ruines.

The Act of Parliament intended to take away Tenures *in Capite* and by Knight-Service, may be with a reservation of *Escuage* service in Warr and *Homage*, without the incidents of Wardships, and be but as a *Probationer* to continue untill three years, and the next ensuing Parliament after that time expended, which may either continue the Act or suffer it to expire.

Which with other Regulations which may be made in separating from the right use any abuses which may be found to have crept into those *Seminaries of Honor*, that standing, more noble, and more obliged *Militia*, that legal and antient Constitution or the management thereof, and giving if need be some better Rules and Orders, may preserve unto the King and his Successors that great part of his Regal Jurisdiction and power to defend himself and his people, and to the People that most antient and fundamental Law which is attended by many other Fundamentals, Customes, Rights, & Usages in relation & affinity to it not to be parted withall, keep us from *sero sapiunt Phryges*, the fate of those that would rather repent bitterly and too late, then yield to those counsels or admonitions which might have prevented it; and from a worse complaint, by as much as the whole differs from a

part,

part, made by *Monſieur la Noüe*, that great Captain and Soldier of *France*, in the Raigns of their *Francis* the Firſt, and our *Henry* the Eight, and *Edward* the Sixth, of the alienation and decay of the *Feiffes Nobles* and *Arrierebans*, by granting them in Mortmaine and to *Roturiers*, or men ignoble, wherein he informs us, that *Francis* the Firſt and *Henry* the Second (Kings of *France*) did do all they could to reduce them to their former Order, and was of opinion that *Barbarians* have better obſerved that policie in Government then *Chriſtians*, and that the Obligation of thoſe Military Tenures *ſont bien eſtroites*, are very binding, *Et avec leſquelles les Roys de France par l'eſpace de ſept cent Ans ont faites choſes memorables*, and wherewith the Kings of *France* have for ſeven hundred years atchieved great things. La Noüe Diſcours Politiques.

That the wings of our *Eagle* may not be clipped, nor the paws of our *Lyon*, which is to defend his Kingdoms and people, lamed, leſſened, or cut ſhorter, that the common and poorer ſort of people may not (as they do begin already) complain that the Nobility and Gentry have to eaſe themſelves bound heavy burdens upon them, that we may not (as *Bodin* relates of *Henry* the Second King of *France*) fall into his miſtake, who raiſing a great Taxe upon the people whereby to free them from the ravage and inſolencies of the hired Soldiers, found it afterwards to be an increaſe of their grievances. Bodin. lib. 6. de Repub.

That the people may not do by their fundamental Lawes (which they were but lately much in love with, and called their *Birth-Rights*) as ſome young Prodigals do by their Fathers dearly gained Lands, ſell them for a meſs of *Potage* with

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Coloquintida in it, which would be a greater folly then the hungry *Esau* committed; or as some young Gentlemen do, when (to get or save a little money) they pull down their Ancestors antient, great, and hospitable Houses, and sell the Timber, Lead, and materials thereof, to put themselves in a more speedy way of ruine.

That our King (who in extent of his Dominions and the Antiquity of his Royal Blood and Descent is superior to the most of Kings and inferior to none) may not be lesse then they in his Tenures or the dependency of his people, but be girt with as much power and majestie as his glorious Progenitors.

That *the Mighty men and the men of Warr may* continue, that *the Ensigne of the People*, nor the Watchmen upon Mount *Ephraim* may not be taken away, *that the Vintage may not fail and the gatherings not come*, that his Servants may not ask *Where is the Corn and the Wine* and *not be known in the streets*, but may (as King *Solomons*) every man in his *course lack nothing*, that their Children (as it was of that wisest of Kings Servants, when *Nehemiah* long after returned with the Children of *Israel* from Captivity) may be found in the Registers, that the Splendor & Magnificence of the Kings of *Englands* Courts (farr surpassing those of *France*, *Spain*, the Emperors of *Germany*, and all other Christian Princes) may not be impaired or diminished, and that *our Pathes and the glory of our Lebanon* and *Excellency of Sharon* and *the foundations of many Generations* may be restored.

-----Casus Cassandra canebat.

FINIS.

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